

AMENDED IN SENATE AUGUST 24, 2000  
AMENDED IN SENATE AUGUST 21, 2000  
AMENDED IN ASSEMBLY JANUARY 26, 2000  
AMENDED IN ASSEMBLY JANUARY 12, 2000  
AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 96**

**Introduced by Assembly Member Shelley**

December 10, 1998

---

An act to amend ~~Section 20479 of~~ *Sections 20420 and 20436 of*, and to add *Section 20432 to*, the Government Code, relating to retirement.

### LEGISLATIVE COUNSEL'S DIGEST

AB 96, as amended, Shelley. Retirement benefits.

Existing provisions of the Public Employees' Retirement Law ~~prohibit~~ *define "local safety member," for purposes of prescribing benefits and contribution rates, to include, among others, county peace officers. County peace officers are defined as specified employees of a sheriff's office of a contracting agency. Existing law prohibits* contracts or contract amendments from providing retirement benefits to some, but not all, members in specified local membership classifications, including county peace officers. Existing law also prohibits provision of different retirement benefits for any subgroup within those same membership classifications.

This bill would ~~preclude the application of the above-described provisions to county peace officers in counties of the 6th class during the year 2001~~ create a new local membership classification, designated “local sheriff,” that would, subject to contract amendment, apply to specified employees of the sheriff’s office in San Francisco County. The bill would provide that persons in the local sheriff classification would no longer be included in the county peace officer classification. The bill would also amend the definition of local safety members to include persons in the local sheriff classification.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 20479 of the Government Code~~  
2     SECTION 1. Section 20420 of the Government Code  
3     is amended to read:  
4     20420. “Local safety member” includes all local police  
5     officers, local sheriffs, firefighters, safety officers, county  
6     peace officers, and school safety members, employed by  
7     a contracting agency who have by contract been included  
8     within this system.  
9     SEC. 2. Section 20432 is added to the Government  
10    Code, to read:  
11    20432. (a) “Local sheriff” means any officer or  
12    employee of a sheriff’s office of a contracting agency,  
13    except one whose principal duties are those of a  
14    telephone operator, clerk, stenographer, machinist,  
15    mechanic, or otherwise, and whose functions do not  
16    clearly come within the scope of active law enforcement  
17    service even though the employee is subject to occasional  
18    call, or is occasionally called upon, to perform duties  
19    within the scope of active law enforcement service, but  
20    not excepting persons employed and qualifying as deputy  
21    sheriffs or equal or higher rank irrespective of the duties  
22    to which they are assigned.  
23    (b) “Local sheriff” does not include persons  
24    employed to perform identification or communication

1 duties other than persons in that employment on August  
2 4, 1972, who elected within 90 days thereafter to be local  
3 safety members. A contracting agency may elect by  
4 amendment to its contract to include as "local sheriff" all  
5 persons who were employed to perform identification or  
6 communication duties on August 4, 1972, and who elect  
7 within 60 days of the effective date of the contract  
8 amendment to be local safety members. The election  
9 shall apply to the person's past as well as future service in  
10 the employment held on the effective date but shall not  
11 apply to service following any subsequent acceptance of  
12 appointment to a position other than that held on the  
13 effective date. This subdivision shall not apply to persons  
14 employed and qualified as deputy sheriffs or equal or  
15 higher rank.

16 (c) Any officer or employee who is a local sheriff as  
17 defined in this section shall not be deemed to be a county  
18 peace officer, as defined in Section 20436, for any purpose  
19 under this part.

20 (d) This section shall only apply to a county of the sixth  
21 class as defined in Sections 28020 and 28027, as amended  
22 by Chapter 1204 of the Statutes of 1971.

23 (e) This section shall not apply to the employees of any  
24 contracting agency nor to any such agency unless and  
25 until the contracting agency elects to be subject to the  
26 provisions of this section by amendment to its contract  
27 with the board, made as provided in Section 20474 or by  
28 express provision in its contract with the board.

29 SEC. 3. Section 20436 of the Government Code is  
30 amended to read:

31 20436. "County peace officer" means the sheriff and  
32 any officer or employee of a sheriff's office of a  
33 contracting agency, except one whose principal duties  
34 are those of a telephone operator, clerk, stenographer,  
35 machinist, mechanic, or otherwise, and whose functions  
36 do not clearly come within the scope of active law  
37 enforcement service even though the employee is subject  
38 to occasional call, or is occasionally called upon, to  
39 perform duties within the scope of active law  
40 enforcement service, but not excepting persons

1 employed and qualifying as deputy sheriffs or equal or  
2 higher rank irrespective of the duties to which they are  
3 assigned. Any other provision in this part to the contrary  
4 notwithstanding, “county peace officers” shall also  
5 include and mean any inspector, investigator, detective,  
6 or person with a comparable title, in any district  
7 attorney’s office of a contracting agency whose principal  
8 duties are to investigate crime and criminal cases and  
9 who receives compensation for this service.

10 “County peace officer” does not include persons  
11 employed to perform identification or communication  
12 duties other than persons in that employment on August  
13 4, 1972, who elected within 90 days thereafter to be local  
14 safety members. A contracting agency may elect by  
15 amendment to its contract to include as “county peace  
16 officer” all persons who were employed to perform  
17 identification or communication duties on August 4, 1972,  
18 and who elect within 60 days of the effective date of the  
19 contract amendment to be local safety members. The  
20 election shall apply to the person’s past as well as future  
21 service in the employment held on the effective date but  
22 shall not apply to service following any subsequent  
23 acceptance of appointment to a position other than that  
24 held on the effective date. This paragraph shall not apply  
25 to persons employed and qualified as deputy sheriffs or  
26 equal or higher rank.

27 “County peace officer” does not include any officer or  
28 employee who is a local sheriff, as defined in Section  
29 20432.

30 is amended to read:

31 ~~20479. Notwithstanding any other provision of law,~~  
32 ~~including, but not limited to, Chapter 10 (commencing~~  
33 ~~with Section 3500) of Division 4 of Title 1, no contract or~~  
34 ~~contract amendment shall be made to provide any~~  
35 ~~retirement benefits for some, but not all members of the~~  
36 ~~following membership classifications: local miscellaneous~~  
37 ~~members, local police officers, local firefighters, county~~  
38 ~~peace officers, or local safety officers. This provision, as it~~  
39 ~~applies to county peace officers in counties of the sixth~~  
40 ~~class only, shall not apply during the year 2001.~~

1   ~~No contract or contract amendments shall provide~~  
2   ~~different retirement benefits for any subgroup,~~  
3   ~~including, but not limited to, bargaining units or~~  
4   ~~unrepresented groups, within those membership~~  
5   ~~classifications. This provision, as it applies to county peace~~  
6   ~~officers in counties of the sixth class only, shall not apply~~  
7   ~~during the year 2001.~~

8   ~~This section does not preclude changing membership~~  
9   ~~classification from one membership classification to~~  
10   ~~another membership classification or exclusion of groups~~  
11   ~~of members by contract.~~

12   ~~For purposes of this section, the term “benefit” shall~~  
13   ~~not be limited to the benefits set forth in Section 20020.~~

